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APPENDIX.

[Vide item No. IV (2), page 107 supra.]

THE MADRAS REGISTRATION OF VETERINARY PRACTITIONERS BILL, 1957 (L.C. BILL No. 2 OF 1957).

(As passed by the Council)

A Bill to provide for the registration of Veterinary Practitioners in the State of Madras.

WHEREAS it is expedient to provide for the registration of Veterinary Practitioners in the State of Madras;

BE it enacted in the Eighth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Registration of Veterinary Practitioners Act, 1957.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) “ Council ” means the Madras Veterinary Council established under section 3;

(b) “ Government ” means the State Government;

(c) “ hospital ”, “ dispensary ” or “ infirmary ” means an institution where animals are treated in accordance with methods approved by the Council;

(d) “ register ” means the register of veterinary practitioners maintained under this Act;

(e) “ registered practitioner ” means a veterinary practitioner whose name is for the time being entered in the register.

3. *Establishment of Council.*—(1) The Government shall, by notification, establish a Council to be called the Madras Veterinary Council.

(2) The Council shall be a body corporate, shall have perpetual succession and a common seal and shall, by the said name, sue and be sued.

4. *Constitution of Council.*—(1) The Council shall consist of—

(a) four members elected by the registered practitioners from among themselves;

(b) one member elected from among themselves by the registered practitioners who are members of the Faculty of Veterinary Science of the University of Madras;

(c) one member elected from among themselves by such members of the Madras Veterinary College Council as are registered practitioners;

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(d) the Principal of the Madras Veterinary College *ex officio*; and

(e) two members nominated by the Government.

(2) In the event of the requisite number of members not being elected under any of the clauses (a), (b) and (c) of sub-section (1), the Government may fill up the vacancy or vacancies by nominating the required number of registered practitioners. Every registered practitioner so nominated shall be deemed to be a member duly elected.

(3) The President of the Council shall be elected by the members of the Council from among themselves :

Provided that for a period of three years from the date of the establishment of the Council under this Act the President shall be a person nominated by the Government and if he is not already a member of the Council, shall be *ex officio* member of the Council in addition to the members specified in sub-section (1).

(4) The election of members under sub-section (1) and of the President under sub-section (3) shall be held at such time and place and in such manner as the Council may, by regulations, prescribe :

Provided that the first election shall be held at such time and place and in such manner as the Government may, by notification, determine.

5. *Privileges of registered practitioners.*—(1) Notwithstanding anything to the contrary contained in any enactment, rule, by-law or any other provision of law, no certificate required by law to be given by a veterinary practitioner shall be valid unless it is given by a registered practitioner authorized to issue such a certificate by the orders of the Government for the time being in force.

(2) Except with the sanction of the Government, no one other than a registered practitioner shall be competent to hold an appointment as a veterinary physician, surgeon or other veterinary officer in any veterinary hospital, dispensary or infirmary which is maintained or aided by the Government or a local authority.

6. *Acts of Council not to be invalidated by disqualification, etc.*—No vacancy in the Council and no disqualification of, or defect in the election or nomination of, any member of the Council or the person presiding at a meeting shall be deemed to invalidate any act or proceeding of the Council in which such member or person has taken part.

7. *Registrar and other officers.*—(1) The Council shall appoint a Registrar who shall act as Secretary of the Council and who shall also act as Treasurer unless the Council appoints another person as Treasurer.

(2) The Council may also appoint such other officers and servants as it may deem necessary for the purposes of this Act.

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(3) The Registrar or any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

8. *Register*.—(1) It shall be the duty of the Registrar to keep a register of veterinary practitioners and, from time to time, to revise the register and publish it in the prescribed manner.

(2) The register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (Central Act I of 1872).

(3) The name of any registered practitioner who dies or whose name is directed to be removed from the register under section 10 shall be removed from the Register. For this purpose, information regarding the death of registered practitioners shall be furnished to the Registrar by such officers, in such form and in such manner, as may be prescribed.

9. *Persons entitled to be registered*.—(1) Every person who possesses any of the qualifications specified in Schedule I shall, on payment of the prescribed fee, and furnishing to the Registrar proof of his qualification for registration, be entitled to have his name registered in the register.

(2) Every person for the time being registered under any law for the registration of veterinary practitioners in force in any other State in India shall, on payment of the prescribed fee, be entitled to have his name entered in the register if the Council has entered into an agreement with the authority administering that law for reciprocal recognition of registrations made under that law and those made under this Act.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Council may refuse to permit the registration of any person who has been convicted of any offence which, in the opinion of the Council, implies a defect of character disentitling him to be registered or who, after an inquiry at which opportunity has been given to him to be heard in person or by pleader, has been held by the Council to have been guilty of professional misconduct.

(4) Every registration under sub-section (1) or sub-section (2) shall be in force for one year and may, on payment of the prescribed fee, be renewed from year to year.

(5) A registered practitioner may, on payment of the prescribed fee, apply for registration under a new name or in respect of any additional qualification obtained subsequent to the registration under this Act.

10. *Alteration of register by Council*.—(1) The Council may, if it sees fit, and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register, which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about, be cancelled or amended.

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(2) (i) The Council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner who has been convicted of any offence which in the opinion of the Council implies a defect of character disentitling him to be registered or who, after an inquiry at which opportunity has been given to him to be heard in person or by pleader, has been held by the Council to have been guilty of professional misconduct.

(ii) The Council may also direct that any name so removed shall be restored on application made by the party and in accordance with the rules made.

(3) Any registered practitioner may make an application to the Council for the deletion of his name from the register and the Council may, on such application and subject to such rules as may be made by the Government, direct such deletion. Any such practitioner may apply for fresh registration under section 9.

11. *Jurisdiction of Civil Courts.*—No act done in the exercise of any power conferred by or under this Act on the Government or the Council or the Registrar shall be questioned in any Civil Court.

12. *Control by Government.*—If at any time it shall appear to the Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act, or has neglected to perform any duty imposed upon it by this Act, the Government may notify the particulars of such neglect, excess or abuse to the Council; and if the Council fails to remedy such neglect, excess or abuse to the Council; and if the Council fails to remedy such neglect, excess or abuse, within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the Government may think fit.

13. *Power of Council to call for information regarding efficiency of teaching and examinations.*—(1) The Council shall have power to call on the governing body or other authority of any institution referred to in Schedule II granting a degree or diploma included in Schedule I or desirous of having the degree or diploma granted by it included in the said Schedule I—

(a) to furnish such reports, returns or other information as the Council may require to enable it to judge the efficiency of the instruction given therein in veterinary science; and

(b) to provide facilities to enable any member of the Council deputed by it in this behalf, to inspect the institution at the time of teaching or at the time of examinations.

(2) If the said body or authority refuses to comply with any such demand, the Government may, upon report by the Council, direct the removal from Schedule I, or refuse to include in that Schedule, any degree or diploma granted by that institution.

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14. *Penalty for falsely pretending to be a registered practitioner.*—Every person who falsely pretends to be a registered practitioner, whether any person is actually deceived by such pretence or not, shall, on conviction, be liable to be punished with fine which may extend to one thousand rupees.

15. *Alteration in list of qualifications mentioned in Schedule I.*—(1) The Government may, if they are satisfied on the report of the Council or otherwise, that the course of study and examinations prescribed by any college or body conferring any degree or diploma included in Schedule I are not such as to secure the possession by persons obtaining such degree or diploma of the requisite knowledge and skill for the efficient practice of their profession, by notification direct that such degree or diploma shall be removed from Schedule I by the Council and that Schedule shall thereupon be altered accordingly.

(2) The Government may, if they are satisfied, on the report of the Council or otherwise, that the course of study and examinations prescribed by any college or body conferring a degree or diploma not included in Schedule I are such as to secure the possession by persons obtaining such degree or diploma of the requisite knowledge and skill for the efficient practice of their profession, by notification, direct that such degree or diploma shall be included in Schedule I by the Council and that Schedule shall thereupon be altered accordingly.

16. *Power to make rules and regulations.*—(1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) the election of members to the Council;
- (b) the term of office of the elected and nominated members of the Council;
- (c) the circumstances in which a member of the Council shall be deemed to have vacated his office;
- (d) the procedure to be followed for filling up a vacancy when the seat of any member of the Council becomes vacant;
- (e) the election of the President of the Council or of any other person presiding over the Council, and the term of office of the President;
- (f) the procedure at meetings of the Council;
- (g) the institution, hearing and disposal of appeals, the authorities competent to hold inquiries and hear appeals and the procedure to be followed in such inquiries and appeals;
- (h) the compilation and publication of the register;
- (i) the disposal of the fees received under this Act;
- (j) all matters expressly required or allowed by this Act to be prescribed.

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(3) The Council may, with the previous sanction of the Government, make regulations—

(a) for the convening of the meetings of the Council;

(b) for the conduct of business at such meetings;

(c) for the appointment and control, and the fixation of pay and allowances of the officers and servants referred to in section 7.

(4) All regulations made by the Council under sub-section (3) shall be published in the *Fort St. George Gazette*.

(5) The Government may, by notification, cancel any regulation.

(6) The power to make rules under this Act shall be subject to the condition of previous publication.

(7) All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

SCHEDULE I.

Qualifications.

(See sections 9, 13 and 15.)

1. Bachelors of Veterinary Science, University of Madras.
2. Graduates of the Madras Veterinary College, Madras.
3. Bachelors of Veterinary Science of the University of Bombay.
4. Graduates of the Bombay Veterinary College, Bombay.
5. Graduatee of the Punjab Veterinary College, Hissar, Punjab.
6. Licensed Veterinary Practitioners, Punjab.
7. Graduates of the Bengal Veterinary College, Calcutta.
8. Graduates of the Bihar Veterinary College, Patna.
9. Graduates of the College, of Veterinary Science and Animal Husbandry, Mathura, Uttar Pradesh.
10. Graduates of the Osmania College of Veterinary Science and Animal Husbandry, Hyderabad.
11. Graduates of the Madhya Pradesh Veterinary College, Jabalpur.
12. Graduates of Veterinary Science, Assam Veterinary College, Assam.
13. Members of the Royal College of Veterinary Surgeons, London.
14. Doctors of Veterinary Medicine or Bachelors of Veterinary Science for Universities in countries of the Commonwealth other than the United Kingdom.
15. Doctors of Veterinary Medicine of Universities in the United States of America.

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SCHEDULE II.

Veterinary institutions in the Indian Union.

(See section 13.)

1. Bengal Veterinary College, Calcutta.
2. Bihar Veterinary College, Patna.
3. Bombay Veterinary College, Parel, Bombay.
4. U.P. College of Veterinary Science and Animal Husbandry, Mathura, Uttar Pradesh.
5. College of Veterinary Science and Animal Husbandry, Hyderabad.
6. Veterinary College, Gauhati, Assam.
7. College of Veterinary Science and Animal Husbandry, Hyderabad.
8. Madras Veterinary College, Madras.
9. Veterinary College, Jabalpur, Madhya Pradesh.

STATEMENT OF OBJECTS AND REASONS.

The need for the establishment of a Veterinary Council for the registration of veterinary practitioners on the lines of similar statutory bodies existing for the allied professions has been repeatedly urged by members of the veterinary profession. At present, there is no agency to control and regulate the practice of the profession or to maintain a register of practitioners. The Government therefore consider it necessary to undertake legislation for the purpose. The Bill gives effect to this object.

M. BHAKTAVATSALAM,
Minister-in-charge of Home.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-clauses (1) and (2) of clause 16 empower the Government to make rules for the purpose of carrying out the provisions of the Bill when enacted, and in particular, for making provision for the election of members to the Council, the term of office of the elected and nominated members of the Council, etc.

Sub-clause (3) of clause 16 empowers the Madras Veterinary Council to make regulations with the previous sanction of the Government for convening meetings of the Council, for the conduct of business at such meetings, etc., and sub-clause (5) of clause 16 empowers the Government to cancel any such regulation.

The powers delegated are essential for carrying out the purposes of the measure and are normal in character.

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FINANCIAL MEMORANDUM.

At present there is no agency to control and regulate the practice of the veterinary profession or to maintain a register of practitioners. The Bill therefore provides for the establishment of a State Veterinary Council. The Council shall have power to appoint a Registrar and other officers and servants. Provision has been made for the maintenance of a register of Veterinary Practitioners, for the annual publication of a correct list of the names and qualifications of registered practitioners and for the holding of inquiries into alleged cases of misconduct.

2. The receipts and expenditure to Government involved in the legislation are as follows :—

EXPENDITURE.

	Cost per year.	
	Recurring.	Non-recurring.
	RS.	RS.
1 Honorarium for Registrar at Rs. 75 per mensem.	900	..
2 Pay of one clerk-cum-typist at Rs. 45—90 per mensem and special pay of Rs. 10 per mensem.	660	..
3 Pay of one peon at Rs. 18—25 per mensem.	216	..
4 Dearness allowance	480	..
5 Other compensatory allowance	144	..
6 Travelling allowance for members of council.	2,000	..
7 Furniture, equipment, etc.	1,500
8 Office expenses	300	..
Total ..	4,700	1,500

RECEIPTS.

	First year.	Subsequent year.
	RS.	RS.
Registration fee at Rs. 15 per registered practitioner for 500 individuals.	7,500	600
Fee for renewal at Rs. 8 per renewal	4,000
Fee for alteration of entries	100	100
	(lump sum)	(lump sum)
Total ..	7,600	4,700

Though the financial implications involved in implementing the measure are such as to indicate that the agency set up to control and regulate the practice of the veterinary profession is expected to be self-supporting, the figures furnished under receipts are only anticipatory and there is no certainty that the expectations would fully materialise eventually. For the first year, the Director has proposed the grant of Rs. 5,000 from the Government and in the subsequent years also Government grant may be necessary which can be estimated only after the working of the Council during the first year.